

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3660-03
Bill No.: SB 1112
Subject: Crimes and Punishment; Criminal Procedure; Juries; Merchandising Practices;
 Weapons
Type: Original
Date: February 19, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	More than (\$100,000)	More than (\$100,000)	More than (\$100,000)
Road Fund	(\$500 to Unknown)	(\$500 to Unknown)	(\$500 to Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	(\$100,500 to Unknown)	(\$100,500 to Unknown)	(\$100,500 to Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture, Department of Public Safety – State Highway Patrol, – State Emergency Management Agency, – State Water Patrol,** and the **St. Louis County Sheriff’s Department** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** declined to respond to this proposal.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those cases arising where indigent persons were charged with agroterrorism, a class D felony; supporting terrorism, a class C felony; terrorist threat, a class C felony; criminal water contamination, a class B felony; or hazardous materials transportation without prior approval. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of State Courts Administrator** assume the legislation would not have a significant impact on the judiciary because the legislation specifically states in Section 540.651 that the Attorney General and the Department of Public Safety are responsible for all costs relating to the grand jury.

Officials from the **Department of Natural Resources (DNR)** assume that if there was an environmental emergency requiring the DNR’s Environmental Emergency Response staff to respond on any waters of the state closed by the Water Patrol, they would be given access to the emergency.

There is a federal law addressing the contamination of a water source, but there is no corresponding state statute. The DNR’s authority is not changed by this provision. Therefore, the DNR will not be impacted by this legislation.

ASSUMPTION (continued)

Officials from the **Office of Secretary of State (SOS)** assume this bill creates the State Grand Jury Act and implements provisions related to terrorism. The Supreme Court will promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations, and forms issued by the Supreme Court could require as many as 28 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes, and the like are not repeated in Code. The estimated cost of a page in the *Missouri Register* is \$23.00 and the estimated cost of a page in the *Code of State Regulations* is \$27.00. Based on these costs, the estimated cost of the proposal is \$1,722 in FY 03 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the various creations of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender). Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually.

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown due to the cumulative effect of this bill, it is estimated that potential costs will be in excess of \$100,000 per year.

ASSUMPTION (continued)

Officials from the **Department of Transportation (MoDOT)** assume the legislation prohibits the transport of hazardous materials in or through any tunnel in Missouri unless permitted pursuant to rules/regulations of MoDOT.

The Manual on Uniform Traffic Control Devices (MUTCD) has a standard sign to be used when hazardous cargo is prohibited. The sign would be 2 feet by 2 feet in size and mounted on a wood post. The estimated cost to install one sign would be \$250. Two signs would be installed on each side of the tunnel for a total cost of \$500.

Signing for other routes where hazardous cargo is prohibited can not be estimated since there are no routes currently designated.

If MHTC is authorized to permit the transport of hazardous materials on state highways and bridges, there may be certain tort liability issues that arise as a result of it (negligently permitting an operator to transport a hazardous load, etc.). These possible tort costs can not be determined.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections</u> Incarceration/Probation costs	<u>More than</u> <u>(\$100,000)</u>	<u>More than</u> <u>(\$100,000)</u>	<u>More than</u> <u>(\$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>More than</u> <u>(\$100,000)</u>	<u>More than</u> <u>(\$100,000)</u>	<u>More than</u> <u>(\$100,000)</u>
ROAD FUND			
<u>Costs – Department of Transportation</u> Hazard Cargo Signs	(\$500 to Unknown)	(\$500 to Unknown)	(\$500 to Unknown)
Tort costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
Total Costs – MoDOT	(\$500 to <u>Unknown</u>)	(\$500 to <u>Unknown</u>)	(\$500 to <u>Unknown</u>)
ESTIMATED NET EFFECT ON ROAD FUND	<u>(\$500 to</u> <u>Unknown)</u>	<u>(\$500 to</u> <u>Unknown)</u>	<u>(\$500 to</u> <u>Unknown)</u>

FISCAL IMPACT - Local Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation relates to terrorism. The proposal would prohibit organizations from soliciting funds for unlawful purposes and would create the crime of supporting terrorism if a person knowingly provides or solicits material support for any organization designated as a foreign terrorist organization. The proposal would prohibit price gouging during times of consumer market disruptions.

The proposal also would create the crime of water contamination. Criminal water contamination would occur if a person knowingly introduces any dangerous agent or substance into any public or private waters of the state or any water supply with the purpose of causing death or serious injury.

In addition, the proposal would create a specific state grand jury to be convened when terrorism is an issue. This proposal also would prohibit making terrorist threats.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

